

REMARKS/ARGUMENTS

This Amendment is being filed concurrent with a Request for Continued Examination (RCE) and in response to the final Official Action of June 26, 2006. The final Official Action now rejects all of the pending claims, namely Claims 1-20, under 35 U.S.C. § 112, second paragraph, as being indefinite. The final Official Action also rejects Claims 1-8, 10-12, 14, 15 and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,850,540 to Peisa et al., in view of U.S. Patent No. 6,985,457 to Zeira et al. Finally, the Official Action rejects Claims 9, 13, 16 and 20 as being unpatentable over Peisa in view of Zeira, and further in view of U.S. Patent Application Publication No. 2002/0164980 to Eriksson et al.

In response, Applicants have amended independent Claims 1 and 4 to further clarify the claimed invention, including the addition of recitations similar to those found in dependent Claims 10 and 17. Accordingly, Applicants have cancelled dependent Claims 10 and 17, and amended the dependencies of Claims 11 and 18. As explained below, Applicants respectfully submit that the claimed invention is definite under § 112, second paragraph, and patentably distinct from Peisa, Zeira and Eriksson, taken individually or in combination. In view of the amendments to the claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

A. The Claims are Definite

As indicated above, the final Official Action rejects Claims 1-20 under § 112, second paragraph, as being indefinite. More particularly, the Official Action alleges that Claims 1 and 4 are unclear as to the term “bit class,” alleging that the term is not defined in the specification. Applicants have therefore amended independent Claims 1 and 4 to delete “bit” in the term “bit class” so that the respective claims recite a “class” or plurality of “classes.” For support for such classes, Applicants direct the Examiner’s attention to at least page 8, lines 2-7 of the present application.

The Official Action also alleges that independent Claim 1 is unclear as to the limitation, “directing data from at least one application to a plurality of transport channels in accordance with a bit class of the data, processing each transport channel in accordance with a scheme dependent upon the bit class....” In this regard, the Official Action alleges that the preceding

limitation is unclear as to whether one application flow is transmitted on different transport channels, or if one application flow is transmitted on one transport channel. In response thereto, Applicants have amended independent Claim 1 to recite “directing data from an application to a plurality of transport channels.” As amended, Applicants respectfully submit that Claim 1 clearly recites that data from an application is directed to multiple transport channels.

Further, the Official Action alleges that, in independent Claim 4, the phrase “said selection manners” lacks antecedent basis. In response, Applicants have amended independent Claim 4 to recite “each transport channel process scheme,” for which amended independent Claim 4 includes antecedent basis in the limitation, “each transport channel arranged to be processed in accordance with a processing scheme.” (Emphasis added).

For at least the foregoing reasons, Applicants respectfully submit that the claimed invention is definite under § 112, second paragraph, and respectfully submit that the respective rejection of the claims as being indefinite is overcome.

B. Claims 1-8, 11, 12, 14, 15, 18 and 19 are Patentable over Peisa in view of Zeira

Amended independent Claim 1 recites a method of transmitting a radio signal. As recited, the method includes implementing a protocol stack having at least a physical layer and a medium access control layer, where the medium access control layer directs data from an application to a plurality of transport channels, the data belonging to any of a plurality of classes for which different qualities of service are required, the transport channels being selected in accordance with the class to which the data belongs. The method also includes processing each transport channel in accordance with a processing scheme dependent upon the nature of the application (for support, Applicants direct the Examiner’s attention to at least page 8 of the present application). Further, the method includes multiplexing the transport channels to produce a physical layer signal, where a code identifying each transport channel processing scheme is included in the physical layer signal.

In contrast to amended independent Claim 1, neither Peisa nor Ziera, taken individually or in combination, teach or suggest a method of transmitting a radio signal including processing transport channels in accordance with a processing scheme dependent upon the nature of the application from which data is directed to a plurality of transport channels. The final Official

Action cites Peisa as disclosing a method including processing transport channels to which data is directed from an application. However, Peisa only refers to the selection of an appropriate transport format combination to meet criteria such as a guaranteed data transmission rate, or weighted queuing transmission rate, as disclosed in the Abstract of Peisa. Nowhere does Peisa teach or suggest processing transport channels in accordance with any application-dependent processing schemes, as recited by amended independent Claim 1.

Applicants therefore respectfully submit that amended independent Claim 1, and by dependency Claims 2, 3, 5-9 and 11-13, is patentably distinct from Peisa and Ziera, taken individually or in combination. Applicants also respectfully submit that amended independent Claim 4 recites subject matter similar to that of amended independent Claim 1. That is, amended independent Claim 4 recites processing transport channels in accordance with a processing scheme dependent upon the nature of the application from which data is directed to a plurality of transport channels. Thus, Applicants respectfully submit that amended independent Claim 4, and by dependency Claims 14-16 and 18-20, is also patentably distinct from Peisa and Ziera, taken individually or in combination, for at least the reasons given above with respect to amended independent Claim 1.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1-8, 10-12, 14, 15 and 17-19 as being unpatentable over Peisa in view of Ziera is overcome.

C. Claims 9, 13, 16 and 20 are Patentable over Peisa in view of Zeira and Eriksson

The final Official Action rejects Claims 9, 13, 16 and 20 as being unpatentable over Peisa in view of Zeira and Eriksson. As explained above, neither Peisa nor Zeira, taken individually or in combination, teaches nor suggests processing transport channels in accordance with a processing scheme dependent upon the nature of the application from which data is directed to a plurality of transport channels, as recited by amended independent Claims 1 and 4, and by dependency Claims 9, 13, 16 and 20. Similarly, Applicants respectfully submit that Eriksson does not teach or suggest this feature of the claimed invention. Applicants therefore respectfully submit that amended independent Claims 1 and 4, and by dependency Claims 9, 13, 16 and 20, are patentably distinct from Peisa, Zeira and Eriksson, taken individually or in combination.

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For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 9, 13, 16 and 20 as being unpatentable over Peisa in view of Zeira and Eriksson is overcome.

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CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicants respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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